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REMARKS

This response is intended as a full and complete response to the Office Action mailed June 10, 2005. In the Office Action, the Examiner notes that claims 1-32 are pending and rejected. By this response, claims 1, 7-11, 15, 21, 24, and 29 are amended and claims 2-6, 16-20, and 25-28 are cancelled. Claims 12-14, 22-23, and 30-32 continue unamended.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. § 102

The Examiner has rejected claims 1-32 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,771,763 issued August 3, 2004 to Hagirahim et al. (hereinafter "Hagirahim"). Applicant respectfully traverses the rejection.

In general, Hagirahim teaches a method and apparatus for providing voice-over-DSL (VoDSL) gateway-to-gateway communication. In particular, Hagirahim teaches a method for routing traffic using a Public Switch Telephone Network (PSTN) including receiving, at a VoDSL gateway, compressed voice traffic from a first subscriber for routing to a second subscriber. As taught in Hagirahim, a determination is made as to whether the second subscriber is served by a respective second VoDSL gateway. The received voice traffic is

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then processed in a manner that depends on whether the second subscriber is served by the second VoDSL gateway.

Hagirahim, however, fails to teach each and every element of Applicant's invention of at least claim 1. Namely, Hagirahim fails to teach or suggest at least the limitations of "determining if the first voice switch and the second voice switch are compatible responsive to a determination that the transport stream between the first voice switch and the second voice switch does not exist" and "establishing an Asynchronous Transfer Mode physical layer; establishing an Asynchronous Transfer Mode logical layer over the Asynchronous Transfer Mode physical layer; and establishing an Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer over the Asynchronous Transfer Mode logical layer." Specifically, Applicant's amended claim 1 positive recites:

A method of transporting packets from a first voice switch coupled to a communication network, comprising:
receiving, at the first voice switch, information bearing packets from at least one of a plurality of transport mediums of a first subscriber intended for routing to a second subscriber;
determining if a transport stream exists between the first voice switch and a second voice switch serving said second subscriber;
determining if the first voice switch and the second voice switch are compatible responsive to a determination that the transport stream between the first voice switch and the second voice switch does not exist;
establishing the transport stream responsive to a determination that the first switch and the second switch are compatible, wherein said establishing comprises:
establishing an Asynchronous Transfer Mode physical layer;
establishing an Asynchronous Transfer Mode logical layer over the Asynchronous Transfer Mode physical layer; and
establishing an Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer over the Asynchronous Transfer Mode logical layer; and
multiplexing said packets onto the transport stream as AAL2 packets adapted for transmission over the Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer, said AAL2 packets intended for the second voice switch serving the second subscriber.
[Emphasis added.]

As taught in Applicant's invention of at least claim 1, the determination as to whether the first and second voice switches are compatible is performed in

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response to a determination that a transport stream does not exist between the first and second voice switches. By contrast, Hagirahim discloses that the determination as to whether the first and second VoDSL gateway switches are compatible is performed in response to a request by a first party to connect to a second party. A switch compatibility determination performed in response to a connection request, as taught in Hagirahim, is simply not a determination as to whether a first voice switch and second voice switch are compatible in response to a determination that a transport stream does not exist between the first voice switch and the second voice switch, as taught in Applicant's invention of at least claim 1. Thus, Hagirahim fails to teach or suggest at least Applicant's limitation of "determining if the first voice switch and the second voice switch are compatible responsive to a determination that the transport stream between the first voice switch and the second voice switch does not exist."

Furthermore, although Hagirahim discusses the use of AAL2 packets, the use of AAL2 packets as taught in Hagirahim is completely different from the use of AAL2 packets as taught in Applicant's invention of at least claim 1. As taught in Applicant's invention of at least claim 1, a transport stream is established by a first voice switch between the first voice switch and a second voice switch. The establishment of the transport stream includes establishing an Asynchronous Transfer Mode physical layer, establishing an Asynchronous Transfer Mode logical layer over the Asynchronous Transfer Mode physical layer, and establishing an Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer over the Asynchronous Transfer Mode logical layer.

By contrast, Hagirahim teaches that compressed voice traffic is received at the first VoDSL gateway using AAL2 packets. The voice traffic is extracted from the payload portions of the AAL2 packets and encapsulated in a V.120 transport packet for transmission over a PSTN to the second VoDSL gateway. As such, the AAL2 packets of Hagirahim are utilized for transporting traffic to the first VoDSL switch and from the second VoDSL switch. The AAL2 packets taught in

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Hagirahim, however, are simply not used within the PSTN for transporting voice traffic between the VoDSL switches.

Thus, Hagirahim teaches the transport of voice traffic using AAL2 packets outside of the portion of the network between the voice switches (i.e., the AAL2 packets are used between the source user terminal and the first voice switch and between the second voice switch and the destination user terminal). Applicant's invention of at least claim 1, on the other hand, teaches the use of AAL2 packets between the voice switches. As such, extraction of voice traffic from AAL2 packets at a first VoDSL gateway for transmission over a PSTN using V.120 transport packets, as taught in Hagirahim, is simply not conversion of transport packets into AAL2 packets at a first voice switch for transmission over a PSTN, as taught in Applicant's invention of at least claim 1.

Moreover, Hagirahim is completely devoid of any teaching or suggestion of establishing an Asynchronous Transfer Mode physical layer, establishing an Asynchronous Transfer Mode logical layer over the Asynchronous Transfer Mode physical layer, and establishing an Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer over the Asynchronous Transfer Mode logical layer. Hagirahim merely mentions that AAL2 packets may be used for transporting voice traffic to the first VoDSL switch and from the second VoDSL switch; however, Hagirahim fails to teach or suggest establishment of ATM physical, logical, or AAL2 layers. Thus, Hagirahim fails to teach each and every element of Applicant's invention of at least claim 1, as arranged in the claim.

It is well established that, "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added)). Hagirahim fails to disclose each and every element of the claimed invention, as arranged in the claim. Therefore, Hagirahim does not anticipate the subject invention.

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As such, Applicant submits that independent claim 1 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Furthermore, independent claims 15 and 24 recite features substantially similar to the features of claim 1. Thus, for at least the reasons discussed above with respect to claim 1, independent claims 15 and 24 are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Accordingly, Applicant respectfully submits that claims 1, 15, and 24 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-14, 16-13 and 25-32 depend, either directly or indirectly, from independent claims 1, 15 and 24 and recite additional features therefor. As such, and for at least the same reasons as discussed above, Applicant submits that these dependent claims are also not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicant submits that all of the pending claims are in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

8/9/05

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